REMARKS

In the November 30, 2009 Office Action, the specification is objected to and claims 1-5, 7-16, 18, 23 and 24 stand rejected in view of prior art, while claims 8-13 and 19-22 are indicated as containing allowable subject matter. Claims 1-5, 7-16 and 18-24 also are rejected as being indefinite.

Status of Claims and Amendments

In response to the Office Action, Applicant has amended the abstract and claims 1, 2, 3, 8-14 and 19-24 as indicated above. Claims 7 and 18 have been consequently cancelled. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In summary, claims 1-6, 8-17 and 19-24 are pending, with claims 1 and 2 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Election of Species

In numbered paragraph 1 of the Office Action, Applicant's election without traverse in the reply of June 24, 2009 was acknowledged. Thus, non-elected claims 6 and 17 were withdrawn from further consideration. However, Applicant respectfully requests that non-elected claims 6 and 17 be rejoined in this application upon allowance of a generic or linking claim.

Specification

In numbered paragraph 6 of the Office Action, the specification is objected to. Specifically, the term "cooling body" was objected to as used in the Abstract. In response, Applicant has amended the abstract to read "cooling fluid." Applicant believes that the specification is now in compliance. Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. §112

In numbered paragraph 8 of the Office Action, claims 1-5, 7-16 and 18-24 are rejected under 35 U.S.C. §112, second paragraph. In particular, the term "cooling body" is deemed inappropriate. In response, the claims have been amended to read "cooling fluid." Also, claims 7 and 18 were rejected as indefinite. Applicant has cancelled claims 7 and 18 and thus that portion of the rejection has become moot. Thus, Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested.

Rejections - 35 U.S.C. § 102

In numbered paragraph 10 of the Office Action, claims 1, 2, 4, 5, 7, 15, 16 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,190,105 (Dankowski). In numbered paragraph 11, claims 1-5, 7, 12-16, 18, 23 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,173,766 (Nakamura). In response, Applicants have amended independent claims 1 and 2 to further distinguish the prior art of record.

In particular, independent claims 1 and 2 have been amended to claim a vehicle air conditioning unit, a vehicle fuel cell, and a vehicle drive motor, and to clarify that the first heat radiating area receives a first cooling fluid that flows through the air conditioner, the second heat radiating area receives a second cooling fluid that flows through the fuel cell, and the third heat radiating area receives a third cooling fluid that flows through the motor. Clearly, this structural arrangement is ***not*** disclosed or suggested by Dankowski, Nakamura, or any other prior art of record.

Neither Dankowski nor Nakamura cools an air conditioner, fuel cell and motor. Although both of claims 7 and 18 were rejected as ***anticipated*** by these two references, there

is nothing in the Office Action which indicates the structural elements of Dankowski and Nakamura that are being considered an air conditioner, fuel cell and motor. The present application is directed to a heat exchanger which encompasses ***a specific structure*** for accomplishing a specific cooling process. Independent claims 1 and 2 now require cooling of the three cooling fluids which flow respectively ***through an air conditioner, a fuel cell and a motor***, in the claimed manner. Applicant believes it is clear that the two cited references fail to teach this structure, and thus the claimed structure is not anticipated.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose ***each*** and ***every*** element of the claim within the reference. Therefore, Applicant respectfully submits that claims 1 and 2, as now amended, are not anticipated by the prior art of record. Withdrawal of these rejections is respectfully requested.

Moreover, Applicant believes that dependent claims 3-5, 8-16 and 19-24 are also allowable over the prior art of record in that they depend from independent claims 1 and 2, respectively, and therefore are allowable for the reasons stated above. Also, these dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claims 1 and 2, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Allowable Subject Matter

In numbered paragraph 12 of the Office Action, claims 8-13 and 19-22 are indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-5, 8-16 and 19-24 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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